

REMARKS

Claims 2, 4-17, 19-32, 42, 44 and 46-65 are pending in this application. Claims 2, 4-17, 19-32, 42, 44 and 46-65 have been rejected in the Office Action dated January 14, 2008. Applicant's have amended claims 5, 11, 15, 29, 32, and 51 and canceled claim 55 without prejudice. Support for these amendments can be found at, e.g., [22], [33], [40] and Figs. 1 and 4, and throughout the specification and claims as originally filed. Reconsideration and allowance in view of the following amendments and remarks are requested.

Claim Objections

The Office action states, in part, "Claim 58 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 55." OA at 2. In response, Applicants have canceled claim 55 to overcome this rejection. Thus, Applicants submit that the above objection has been overcome and respectfully request that this objection be reconsidered and withdrawn.

Claim Rejections – 35 USC § 103

Claims 2, 5, 8-15, 19, 21, 24-29, 31, 32, 42, 48-54, 59, 61 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,338, 117 to Kucksdorf et al. and U.S. Patent No. 3,249,285 to Dollheimer et al.

The Office Action reads, "Kucksdorf et al. discloses the claimed device except for the first handle formed by one of a cut and a series of perforations formed through the stack, and the stack of panels includes a double stack of panels formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction and attached to themselves." OA at 3. The Office Action contends that Dollheimer et al. at Fig. 2 discloses the above missing element and it would have been obvious to one having ordinary skill in the art to form the first handle of Kucksdorf by including this missing element from Dollheimer "in order to increase the carrying strength of the first handle." Id. Applicants respectfully disagree for the following reasons.

In contrast to the claims as amended, Kucksdorf does not disclose a multi-handled bag comprising a "substantially tubular shaped body without intucked sides," or a "substantially tubular shaped body having outwardly protruding sides." Instead, Kucksdorf teaches a bag 10 made from an intucked flat bag tube, the tube having a pair of opposed intucked sides 11 and 13 and a pair of opposed flat sides 12 and 14. Col. 3, ll. 34-40; Fig. 4A. The intucked sides allow the bag of Kucksdorf to take on a rectangular shape and have a rectangular end construction. Col. 1, ll. 6-9, 65-66; Fig. 1 and 22. According to Kucksdorf, the rectangularly arranged sides and flat faced ends of the bags disclosed therein provide a display for graphics on all six sides of the bag, avoiding the pitfalls of prior art bags. Col. 1, ll. 30-40; Col. 1, l. 65 - Col. 2, l. 6. Meanwhile, Dollhemimer teaches a tubular bag configuration having a reinforced hand-holding portion. See Fig. 2.

Applicants submit, however, that a person having ordinary skill in the art would not have been motivated to modify the rectangular shaped bag with intucked sides of Kucksdorf to include the tubular bag configuration with reinforced hand-holding portion as taught by Dollhemimer, because such a modification would have eliminated the rigid rectangular shape and rectangular end construction of the Kucksdorf bags and the enhanced graphic display functionality of such bags. Thus, Applicants submit that the claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.

Claims 4, 16, 17, 20 30, 44, 55-58, 60, 62 and 64 are rejected under 35 U.S.C 103(a) as being unpatentable over Kucksdorf et al. and Dollheimer et al. as applied to claim 5 above, and further in view of U.S. Patent No. 5,593,229 to Warr.

The Office Action reads, "Kucksdorf et al. and Dollheimer et al. disclose the claimed device, as discussed above, except for the first end having a tear seam. Warr discloses that it is known in the art to provide a tear seam at a first end of an analogous bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first end of the Kucksdorf et al. bag with the tear seam of Warr, in order to facilitate opening the bag and to form a pour spout for dispensing contents." OA at 5. The Office Action also contends that a second tear seam at the second end of the bag and a patch and cut extending through the patch would have been obvious over the cited references. In response, Applicants submit that for at least the reasons discussed above, the rejected claims would not have been obvious over Kucksdorf et al. and Dollheimer, and further in view of Warr. Thus,

Applicants submit that the claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.

Claims 2, 5-8, 10, 13-15, 19, 21-23, 25, 27-29, 31-32, 42, 46-48, 50, 53, 54, 59, 61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,782,562 to Anspacher and U.S. Patent No. 3,249,285 to Dollheimer et al.

The Office Action reads, "Anspacher discloses the claimed device except for the first handle formed by one of a cut and a series of perforations formed through the stack, and the stack of panels includes a double stack of panels formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction and attached to themselves." OA at 6. The Office Action contends that Dollheimer et al. at Fig. 2 discloses the above missing element and it would have been obvious to one having ordinary skill in the art to form the first handle of Anspacher by including this missing element from Dollheimer "in order to increase the carrying strength of the first handle." Id. Applicants respectfully disagree for the following reasons.

In contrast, to the claims as amended, Anspacher does not disclose "the opposing panels being directly attached to each other at the first end to form a non-resealable first seam and at the second end to form a non-resealable second seam" or a container having non-resealable seals at both a first and second end of a container. Rather, Anspacher is directed to "a resealable container having a handle with two halves about a top opening of the container." Col. 1, ll. 12-13. The resealable functionality of the container in Anspacher is made possible by the resealable closure

40. Col. 3, l. 43; Fig. 1. Meanwhile, Dollhemimer teaches a heat sealed integral hand-holding portion for a heat sealed bag. Col. 2, ll. 17-21; Fig. 2.

Applicants submit that a person having ordinary skill in the art would not have been motivated to modify both ends of the container of Anspacher to include the integral heat sealed hand-holding portion taught by Dollhemimer, because such a modification would eliminate the resealable functionality of the Anspacher container. Thus, Applicants submit that the claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.

Applicants also submit that several of the dependent claims rejected by the outstanding Office Action include additional novel features, or features similar to or cumulative with those shown above to be allowable. Thus, many of the dependent claims not specifically addressed herein are believed to be separately allowable over the cited references.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

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Respectfully submitted,

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